

DIVISION OF MINERAL RESOURCES MANAGEMENT
ASSESSMENT OFFICER WORKSHEET

N.O.V.# I-11726 PERMIT #: D-0425 CPA # 12367

SERIOUSNESS: Total: \$35,800.00

1) YES X Did the violation cause damage to permitted or
unpermitted land? (\$400.00 plus floodplain damage)
No (\$35,000.00 @ \$5,000/day 8/23-8/29: Captina damage)

2) Yes X Did the violation cause irreparable or irreversible
damage to permitted or unpermitted land? (\$400.00)
NO

3) Yes Did the violation cause a situation which increased the
probability of the public health or safety being
No X adversely affected? (\$400.00)

4) Yes If an administrative violation (e.g. maps, permits,
blast records, failure to notify for inspection
No purposes, etc.), did the violation obstruct
enforcement or deny the Division or public the
opportunity to exercise enforcement or permitting
NA X requirements? (\$200.00)

Explain:

The coal slurry severely damaged several thousand feet of stream channel. Water quality & stream habitat were greatly impacted. Many aquatic life forms were destroyed.

Negligence: TOTAL: \$200.00

- 5) YES X Was the violation avoidable by the exercise of
NO reasonable care? (\$200.00)
- 6) YES Was the violation a reckless act or a result of
NO X recklessness (\$500.00)
- 7) YES Was the violation knowingly or intentionally
NO X committed for economic gain from production (i.e.
removal of overburden and/or coal)? (\$2,200.00)

Explain:

Routine inspection of the pipeline would have revealed the failure before the containment dike overtopped. Exercise of reasonable care would have prevented the violation.